

---

# Subject Matter Index

---

## A

### **Adjournments**

- designated proceedings following special adjournments 22-4
- detention pending resumption of arraignment in designated cases 16-12
- of arraignment in designated cases 16-10
- of designation hearings 16-16
- of preliminary examinations 16-21, 22-9
- of preliminary hearings 7-10
- of trials in designated cases 18-5
- special adjournments 22-3–22-4
- traditional waiver proceedings following special adjournment 22-4

### **Affidavits**

- attached to motions 9-5
- use of to impeach juror's verdict 18-19

### **Allocation of payments 12-26–12-27, 20-35**

### **Allocation**

- defendant's right of at sentencing 20-12

### **Appeals**

- advice of right following sentencing 20-36–20-37
- by leave in delinquency cases 25-2
- by leave in designated cases 20-36–20-37
- by right in designated cases 20-36
- challenging accuracy of presentence information reports 20-15, 20-44
- correction of record following claim of appeal 18-20
- extension of deadline following motion for new trial 18-17
- from Family Division, court rules governing 25-1
- harmless error rule 25-5
- in automatic waiver cases 25-3
- in delinquency cases 25-1–25-2
- in designated proceedings 25-2
- in traditional waiver cases 25-3
- notice of right following waiver of jurisdiction 24-10
- of orders of disposition in delinquency cases 25-1
- of orders revoking probation in delinquency cases 25-2
- of pleas in designated proceedings 17-15
- of probation violations in automatic waiver cases 23-21

## **Appeals (continued)**

- of scoring of sentencing guidelines 20-9–20-10
- order appointing counsel as claim of appeal 20-39
- pleas in Criminal Division following waiver of jurisdiction 24-10
- preservation of issues following plea 17-9
- procedure when motion for resentencing is filed 20-44
- prosecutorial appeals 25-5
- request for counsel following conviction 20-37
- required ruling on request for appellate counsel 20-37–20-39
- standards of review in automatic waiver cases 25-4–25-5
- standards of review in delinquency cases 25-3
- standards of review in designated cases 25-4
- standards of review in traditional waiver cases 25-4
- suspension of orders in delinquency cases 25-2
- time requirement for ruling on request for appellate counsel 20-37
- time requirements for appeals by leave 17-15
- time requirements in delinquency cases 25-2

### **Arraignments, in automatic waiver proceedings 22-6–22-7**

- bail 22-7
- detention following 22-8
- detention pending 22-7
- required procedures 22-6
- time requirements 22-6

### **Arraignments, in designated proceedings**

- adjournment of 16-10
- advice of right to counsel at 16-5
- advice of rights at 16-10–16-11
- authorization for filing of petition at 16-12
- bail 16-14
- defined 16-9
- detention 16-12–16-14
- detention pending resumption of 16-12
- persons required to be present 16-10
- referees who may conduct 16-9
- scheduling of preliminary examination or designation hearing 16-14
- time requirements 16-9, 16-10

**Attorney fees**

- reimbursement of, in automatic waiver cases 22-5, 23-13, 23-16, 23-19
- reimbursement of, in delinquency cases 7-8, 10-3, 11-3, 12-5, 12-25, 14-4, 15-7
- reimbursement of, in designated cases 20-26–20-27
- reimbursement of, in traditional waiver cases 24-4

**Automatic waiver proceedings 1-2, 22-1**

- age requirements 1-8, 2-7
- appeals 25-3
- discharge from state wardship 23-22
- filing of complaint and warrant in district court 2-7–2-8
- immediacy rule inapplicable to 9-15
- jurisdiction of 2-5, 2-6
- offenses requiring adult sentencing in 23-2–23-3
- places of detention in 22-7–22-8
- prosecutorial discretion 24-2
- purpose of Juvenile Sentencing Hearings 23-6
- required procedures 3-2
- restitution 23-10
- retention of jurisdiction following commitment to state wardship 23-15
- special adjournments 22-3–22-4
- state wardship defined 23-12
- statutes and court rules governing 1-3, 22-4
- statutory amendments to 22-3, 23-2, 23-6, 23-8, 23-10

**B****Bail**

- at preliminary hearings 7-15
- pending review of referee's recommended findings and conclusions 13-3
- pending ruling on motion for rehearing 11-15
- revocation or modification of 16-14
- setting of at arraignments in designated cases 16-14
- setting of in automatic waiver cases 22-7
- use of to pay costs 20-25
- use of to pay restitution 20-32

**C****Closed-circuit television**

- use of at hearings 9-6

**Commitment review hearings in delinquency cases 15-5–15-9**

- at age 19 15-5
- burden of proof 1-6
- burden of proof at 15-8
- evidence 15-8
- factors to consider at 15-7–15-8
- initiated by institution 15-9
- notice requirements 15-6

**Commitment review hearings in delinquency cases (continued)**

- offenses allowing extension of jurisdiction 15-5–15-6
- purposes of 15-7
- reports at 15-8
- required procedures 15-8
- required to order more restrictive placement 15-9
- right to counsel 15-7
- time requirements 15-6
- victim statement at hearing 15-9, 15-10

**Complaints**

- in status offense cases 7-2
- use of at preliminary inquiries 7-5

**Confessions**

- applicability of Miranda to juveniles 9-15
- factors to determine voluntariness of 9-14
- immediacy rule inapplicable to automatic waiver cases 9-15
- voluntariness of 9-13–9-15

**Confrontation, right of**

- and use of videotape deposition to obtain testimony of child 9-9

**Consecutive sentences 20-6**

- and sentencing guidelines 20-9

**Consent calendar 6-7–6-8**

- and pleas of admission 6-7
- disposition 6-7, 6-8
- procedure 6-7
- purpose of 6-7
- statements by juvenile during informal proceedings 6-8
- transfer of case to formal calendar 6-8
- violations of Motor Vehicle Code, reporting requirements 6-7
- waiver of rights by juvenile 6-7–6-8

**Contempt of court**

- failure of parent to attend hearing 2-12–2-13, 12-4
- for failure to obey order of Family Division 2-13
- payment of delinquent account or reimbursement order 2-13
- to enforce order assessing attorney costs 7-8, 10-3, 11-3, 14-5
- to enforce restitution order 12-15

**Controlled substances**

- alternative sentences for 1-9–1-10, 19-6–19-8, 23-4–23-6, 24-12–24-14
- alternative sentences for (§7411) 5-11
- consecutive sentencing 20-6
- lifetime probation 23-14
- sentencing following probation violation 23-20

**Costs 20-23–20-26**

- as condition of probation 20-24
- as part of juvenile disposition 12-11
- examples of improper orders for 20-25–20-26
- hearing requirements 20-24
- post-sentencing orders regarding 20-26

## **Costs (continued)**

requirements to impose as part of sentence 20-23  
use of bail to pay 20-25

## **Counsel**

access to records or reports at waiver hearings 24-8  
appearance of 7-7, 10-2, 11-2

## **Counsel, appointment of**

at delinquency trial 11-2  
at preliminary hearings 7-7–7-8  
for identification procedures 9-11  
in automatic waiver cases 22-5, 23-16, 23-19  
in delinquency cases 12-4–12-5  
in status offense cases 7-8  
pleas in delinquency cases 10-2  
probation violations 14-4

## **Counsel, right to**

advice of right 7-7  
advice of right at arraignment in designated case 16-5  
advice of right at delinquency trial 11-8  
advice of right at dispositional hearings 12-4  
advice of right at preliminary hearings 7-12  
advice of right in automatic waiver cases 22-5  
at commitment review hearings in automatic waiver cases 23-16  
at dispositional hearings 12-4–12-6  
at final review hearings 23-19  
at final review hearings in designated cases 21-5  
at identification procedures in criminal cases 16-33  
at identification procedures in delinquency proceedings 9-11  
at plea proceedings 10-2–10-3  
at preliminary hearings 7-7–7-8  
at probation violation hearings 14-4–14-5  
at required commitment review hearings 15-7  
at sentencing 20-3  
at traditional waiver proceedings 24-4–24-5  
in automatic waiver cases 22-5  
in delinquency proceedings 11-2–11-3  
in designated proceedings 16-5–16-6  
request for appellate counsel following sentencing 20-37  
waiver 10-3, 11-3, 14-4  
waiver of 7-8, 12-5

## **Court-designated cases 1-7**

advice of rights at arraignments 16-11  
commitment to Department of Corrections in 19-2  
criteria to decide whether to designate case 2-10  
defined 2-10, 16-5  
sentencing in 19-5

## **Courtroom, rearrangement of to obtain testimony of child witness 9-8–9-9**

## **Credit for time served**

in designated cases 19-3

## **Credit for time served (continued)**

on probation in automatic waiver cases 23-18, 23-19  
on probation in designated cases 21-5, 21-8

## **Credit for time spent in custody prior to sentencing 20-19**

## **Crime Victims Rights Act**

applicability to automatic waiver cases 23-11  
applicability to designated proceedings 20-5, 20-13, 20-27

## **Crime Victims Rights Fund assessments 12-26, 20-34, 23-11**

## **Criminal Division of Circuit Court**

jurisdiction in automatic waiver cases 2-8  
references to 1-2

## **Criminal procedure, rules of**

applicability to automatic waiver cases 22-4  
applicability to designated proceedings 16-2–16-3, 16-24, 16-31, 16-36, 17-1, 17-14, 18-1, 18-3, 18-6, 20-2

## **Custody**

conditions for release of juvenile 3-3  
custody statement 3-4–3-5  
duties of "officers" or court intake workers 3-2–3-5  
isolation of juvenile from adult prisoners 3-3  
maintaining custody pending preliminary hearing 3-4  
notification of parent 3-3, 3-4  
obtaining custody of juvenile without court order 3-2–3-5  
of juvenile following allegation of probation violation 14-1  
taking custody of juvenile with court order 3-7  
taking juvenile into temporary custody 3-1  
when juvenile is charged under automatic waiver statute 3-2

# **D**

## **Defenses**

alibi 9-3–9-4, 16-28  
exclusion of evidence for failure to provide adequate notice 16-29  
infancy 16-3  
insanity 9-3–9-4, 16-29  
instruction when insanity defense asserted 18-11  
intoxication defense and no-contest pleas 10-6

## **Delayed imposition of sentence 1-7, 19-8–19-9, 21-1**

annual review 21-1–21-2  
commitment to Department of Corrections 21-3, 21-4, 21-6  
credit for time served on probation 21-8  
credit for time served prior to imposition of sentence 21-5  
criteria to determine whether to continue jurisdiction 21-2–21-3  
criteria to determine whether to impose sentence at final review hearings 21-4–21-5  
final review hearings 21-3  
mandatory probation revocation 21-6

## **Delayed imposition of sentence (continued)**

- mandatory review at age 19 21-2
- notice requirements 21-5
- probation violations not requiring revocation 21-7–21-8
- procedures at probation violation hearings 21-8
- review of in designated cases 1-8
- reviews at request of juvenile facilities 21-2
- rules of evidence at review hearings 21-2
- time requirements for final review hearings 21-3

## **Delinquency proceedings 1-2**

- access to records of closed proceedings 4-4
- closing proceedings to public 4-4
- court's options when complaint or petition is filed 6-1
- double jeopardy 24-2
- identification procedures in 9-11–9-13
- jurisdiction of 2-5
- nature of 1-6
- requirements of due process and fair treatment in 11-1
- statutes and court rules governing 1-3

## **Designated proceedings 1-2**

- age requirements 1-6, 1-7, 16-3
- and defense of infancy 16-3
- appeals 25-2
- applicability of rules of criminal procedure 1-7, 2-9
- closure of preliminary examination 16-23–16-24
- closure of trial 16-32–16-33
- comparison with waiver proceedings 1-10–1-12
- correction of record following trial 18-20
- court rules governing 16-2–16-3, 16-24, 16-31, 16-36, 17-1, 17-14, 18-1, 18-3, 18-6, 18-8, 20-2
- court's options following conviction in 19-1–19-2
- court-designated case defined 16-5
- dangerous weapon defined 16-5
- defined 2-9, 16-3
- discovery 16-25–16-27
- establishment of 1-4
- factors to determine whether to impose sentence following 19-2–19-3
- following special adjournment 22-4
- following transfer of automatic waiver case from district court 10-8
- hearings referees may conduct 13-1
- jurisdiction of 2-5
- procedure when misdemeanor offense alleged 16-18
- prosecutor-designated case defined 16-4
- required findings and recommendations by referees 13-2
- requirements for initiating 16-6–16-8
- review of bindover decision 16-20
- right to counsel 16-5–16-6
- standard and burden of proof in deciding whether to impose sentence following 19-3
- statutes and court rules governing 1-3
- venue 16-3

## **Designation hearings**

- adjournment of 16-16
- burden and standard of proof at 16-17
- combined with preliminary examinations 16-18
- criteria to decide whether to designate case 16-17–16-18
- defined 2-10, 16-5
- findings and conclusions 16-18
- following probable cause finding at preliminary examination 16-22
- procedure when misdemeanor offense alleged 16-18
- required procedures 16-16–16-17
- required procedures following hearing 16-18
- rules of evidence at 16-17
- scheduling of 16-14
- scheduling of delinquency trial following denial of request to designate 16-18
- service of petition and request for designation 16-17
- time requirements 16-16

## **Detention 7-13–7-15**

- before waiver of jurisdiction 24-14
- defined 3-1
- following arraignments in designated cases 16-12–16-14
- following waiver of jurisdiction 24-11, 24-14
- for alleged probation violations 14-2–14-3
- in automatic waiver cases 3-10–3-12, 3-14, 22-7
- in delinquency cases 7-16
- in designated cases 3-14
- in general 3-8–3-13
- in juvenile court facility following automatic waiver 3-11
- in traditional waiver cases 3-12, 3-14
- juvenile facility defined 22-6
- mandatory for use of firearm during criminal offense 1-6, 12-12
- notice to victim following juvenile's escape 15-10
- notice to victim of transfer of juvenile to nonsecure facility 15-10
- of juvenile for threats against victim 7-14, 16-13
- of juveniles whose cases have been designated 3-10, 16-15
- pending preliminary hearing 3-1, 3-5, 3-5–3-6
- pending resumption of arraignment in designated cases 16-12
- place of when court is closed 3-5
- places of in automatic waiver cases 22-7–22-8
- release of juvenile following preliminary hearing 7-14
- required findings 7-16
- requirements 3-6
- requirements to detain at preliminary hearings 7-13–7-14
- setting bail in automatic waiver cases 22-7
- use of Family Division facility in automatic waiver cases 22-7–22-8
- when court issues order to apprehend juvenile 3-7
- when felony offense is alleged in delinquency case 3-13

## **Directed verdict, motions for 18-14–18-15**

- in delinquency trials 11-7
- included in motion for new trial 18-18

## **Discovery**

- constitutional rules 16-26
- in delinquency cases 9-2–9-3
- in designated proceedings 16-25–16-27
- privileges 16-26

## **Dispositions**

- appeals 25-1
- civil fine 12-11
- commitment to private institution 12-9
- commitment to public institution 12-9
- community service 12-11
- costs 12-11
- evidence at dispositional hearings 12-6–12-7
- fingerprinting for reportable juvenile offenses 12-30
- following conviction in designated cases 12-2, 19-1, 19-3
- following review hearing, when juvenile in foster care 15-4
- foster care 12-9
- guardian, appointment of 12-10
- health care, orders for 12-10
- in designated proceedings 1-7
- judge may preside at 12-2–12-3
- judge who may preside, in designated case 12-3
- juvenile boot camp 12-11–12-12
- juvenile's attendance of hearing 12-3
- mandatory detention for use of firearm 12-12
- Native American juveniles, special requirements for 12-13–12-14
- notice of to Secretary of State 12-28
- notice of to state police 12-28
- notice to courts with prior continuing jurisdiction 12-28
- options available to court 12-8
- parental participation in treatment 12-11
- parents to refrain from conduct 12-10
- persons entitled or required to attend 12-3–12-4
- probation 12-9
- purpose of dispositional hearings 12-2
- referee's advice of right to seek review of findings and conclusions 12-3, 13-2
- reports 12-7
- required procedures at dispositional hearing 19-3
- requirements when juvenile placed outside of state 12-13
- sex offenders registration 12-30
- status offense cases 12-13
- supplemental disposition following motion for rehearing 11-15
- supplemental dispositions 15-2
- supplemental dispositions following probation violation 14-6
- time requirements 12-6
- warning and dismissal of petition 12-8

## **Diversion**

- confidentiality and destruction of records 6-6
- diversion conference 6-5
- factors to decide whether to divert juvenile 6-4
- filing of petition when agreement not reached 6-5

## **Diversion (continued)**

- notification of victim 6-4
- offenses precluding diversion 6-3–6-4
- required procedures 6-2–6-3
- required records 6-6
- requirements for diversion agreement 6-5
- revocation of diversion agreement 6-6
- statements made during diversion conference 6-5

## **DNA profiling** 4-11–4-12

- following designated proceedings 18-23
- forwarding of samples to state police 4-12
- of state wards 4-12, 15-11, 23-11
- persons required to provide samples 4-11–4-12
- requirements in delinquency cases 11-13

## **Dolls**

- use of to obtain testimony of child witness 9-8

## **Double jeopardy** 24-2

- prosecutorial appeals 25-5

# **E**

## **Escape**

- from juvenile facility 21-7
- notification of victim following 15-10

## **Evidence**

- at commitment review hearings 15-8
- court's ability to order production of 9-4, 11-12
- exclusion of for failure to file notice of defense 9-3–9-4
- exclusion of identification evidence 9-11
- exclusion of, at preliminary examination 16-22
- harmless error rule 25-5
- in jury room 18-13
- motions to suppress 9-4
- of other crimes, wrongs, or acts 16-27–16-28
- privileges 4-5–4-6, 12-7, 15-8, 16-26
- required at review hearing when juvenile in foster care 15-3
- rules of evidence at combined designation hearing and preliminary examination 16-18
- rules of evidence at delinquency trials 11-11
- rules of evidence at designation hearings 16-17
- rules of evidence at first phase of waiver hearings 24-6
- rules of evidence at Juvenile Sentencing Hearings 23-9
- rules of evidence at preliminary examinations 16-21–16-22, 22-10
- rules of evidence at probation violation hearings 14-6
- rules of evidence at review hearings in designated cases 21-2
- rules of evidence at second phase of waiver hearings 24-8
- rules of evidence at sentencing hearings 20-12
- rules of evidence in trial of designated case 18-10
- statements made during plea negotiations 17-6
- suppression of at preliminary examinations 22-10

**Examination**

- of juvenile ordered by court 9-4
- of parent ordered by court 9-4

**Expunging juvenile records 5-1–5-2**

- exceptions 5-1
- expungement defined 5-1
- juvenile diversion records 5-2
- time requirements 5-1

**F****Family Division of Circuit Court**

- assignment of cases involving members of same family 1-5, 7-5, 10-1, 11-4
- concurrent jurisdiction of wayward minors 2-3
- creation of 1-4, 1-5
- discharge of juvenile at age 21 15-9
- extension of jurisdiction until age 21 15-5
- informal jurisdiction 2-2
- jurisdiction and authority over adults 2-12–2-13
- jurisdiction of 1-5
- jurisdiction of contempt proceedings 2-13
- jurisdiction of criminal offenses 2-5
- jurisdiction of criminal violations of Motor Vehicle Code 2-11–2-12
- jurisdiction of delinquency cases 2-1
- jurisdiction of status offenses 2-3
- media coverage of proceedings in 4-3
- pleas in following transfer of case from Criminal Division 10-8
- purpose of delinquency trials in 11-1
- references to 1-2, 2-2
- review of probable cause determinations in designated cases 16-20
- waiting area for crime victims 11-9, 18-21

**Fines 20-34**

- juvenile dispositions 12-11

**Fingerprinting of juveniles 3-15, 4-6, 7-12, 9-10**

- at arraignment in designated case 16-12
- destruction of records 3-15
- following designated proceedings 18-22
- for reportable juvenile offenses 4-6–4-7, 7-12, 11-13, 12-30
- notice to state police after case concluded 4-8
- responsibilities of court 11-13
- return of after case concluded 4-8–4-9

**First phase of waiver hearings**

- purpose of 24-5
- rules of evidence 24-6
- time requirements 24-6
- use of probable cause finding made at preliminary hearing 24-6
- waiver of 24-5

**Formal calendar**

- approval of petition by prosecuting attorney 6-8
- defined 6-8, 11-4, 12-2, 15-2
- petition requirements 6-8
- plea proceedings 10-1
- trials in delinquency cases 11-1

**Foster care**

- evidence at review hearings 15-3
- notice of review hearing 15-3
- placement in as disposition 12-9
- required findings at review hearings 15-4
- review hearing procedures 15-3
- review hearings 15-2–15-4
- time requirements for review hearings 15-2
- waiver of review hearing 15-4

**G****Guardians ad litem, appointment of 7-9, 12-5****H****Harmless error rule 11-14, 18-19, 25-5****I****Identification procedures**

- exclusion of in-court identification 16-34
- factors to determine if in-court identification has independent basis 16-35
- impermissible suggestiveness 9-11–9-12, 16-34
- in delinquency proceedings 9-11–9-13
- in designated proceedings 16-33–16-36
- independent basis for in-court identification 9-12–9-13

**Immediacy Rule 3-2, 3-5**

- inapplicable in automatic waiver cases 9-15
- violations of, and admissibility of confessions 9-13–9-15

**Incarceration of juveniles**

- as condition of probation in automatic waiver cases 23-14
- criminal penalties 3-9
- following arraignment in automatic waiver cases 22-8
- following probation violations 23-22
- following waiver of jurisdiction 24-11
- in automatic waiver cases 3-11, 3-14
- in delinquency cases 3-13
- in designated cases 3-14
- in traditional waiver cases 3-12, 3-14
- juveniles charged with felonies 1-5
- requirements 3-8
- separation from adults 1-5, 3-8

**Infancy**

as defense in designated proceedings 16-3

**Interrogation of juveniles** 3-5

**J**

**Joinder and severance**

in designated proceedings 16-36–16-38  
verdicts in joint trials 18-15

**Judge**

authority to call additional witnesses or order additional evidence presented 11-12  
communications with jurors 18-9  
conduct of preliminary examination 16-21  
consent of required for plea in delinquency cases 10-4  
disqualification of 10-1, 11-4  
duty to articulate reasons for sentence 20-14  
duty to control proceedings 18-8  
duty to declare mistrial 18-8, 18-15–18-16  
duty to individualize sentence 20-17  
findings and conclusions following designation hearings 16-18  
findings and conclusions following Juvenile Sentencing Hearings 23-10  
findings and conclusions when waiver of jurisdiction is denied 24-10  
findings and conclusions when waiver of jurisdiction is ordered 24-9  
findings following delinquency trial 11-12  
juvenile's right to have judge take plea 10-1  
may preside at dispositional hearings 12-2–12-3  
may preside at dispositional review hearings 15-2  
motions for directed verdict 18-14–18-15  
motions for directed verdict in delinquency trials 11-7  
must preside at traditional waiver proceedings 24-3  
participation in sentence bargaining 17-7–17-8  
review of probable cause determination in designated case 16-20  
time requirements to rule on review of referee's recommended findings and conclusions 13-3  
who may accept plea in designated case 17-1, 18-2  
who may preside at dispositional hearing in designated case 12-3  
who may preside at jury trial 11-3  
who may preside at sentencing in designated case 17-1  
who may preside at trial of designated case 18-2  
who must preside at sentencing 20-3

**Judge, trial by** 9-1–9-2, 11-4

at probation violation hearings 14-5  
at review hearings in delinquency cases 15-2  
demand for 11-4  
findings and conclusions in designated cases 18-3

**Judge, trial by (continued)**

judge who presided at preliminary examination in designated case 16-19  
motions for new trial 18-19  
right to, in designated proceedings 18-1–18-2

**Judgments**

correction of 18-20  
final judgments 25-1  
of conviction in designated proceedings 19-1  
of sentence, in designated proceedings 20-41–20-42  
provision for reimbursement of costs of care in 23-12

**Jurisdiction**

and delayed imposition of sentence 21-1  
and guilty verdict in designated cases 18-17  
and not guilty verdict in designated case 18-16  
discharge of juvenile at age 21 15-9  
extension of until age 21 15-5  
extension until age 21 1-6  
factors to decide whether to extend until age 21 15-7–15-8  
in automatic waiver proceedings 22-1  
notification of victim of discharge from Family Independence Agency 15-10  
notification of victim of dismissal 15-10  
offenses allowing extension of jurisdiction 15-5–15-6  
retention of following commitment to state wardship 23-15  
Separation of Powers doctrine and charging discretion 22-3  
to bind over for non-enumerated offenses in automatic waiver cases 22-11  
to conduct traditional waiver proceedings when juvenile over age 17 24-3  
to sentence for non-enumerated offenses in automatic waiver cases 22-11, 23-2  
to sentence in designated cases 19-8

**Jury**

challenges for cause 18-6–18-7  
change of venue 16-33  
communications with jurors 18-9  
copies of instructions 18-13  
deliberations by 18-13–18-14  
discharge of 11-7–11-8  
in delinquency proceedings 11-3  
inconsistent verdicts 18-15  
instruction when insanity defense asserted 18-11  
instructions after deliberations begin 18-12  
instructions on lesser-included offenses 18-11–18-12  
instructions to deadlocked jury 18-12  
instructions, in designated cases 18-10–18-13  
materials or evidence in jury room 18-13  
notetaking by jurors 18-9  
number of jurors in designated cases 18-5–18-6  
oath or affirmation of jurors 18-6  
peremptory challenges 18-7–18-8  
polling 11-7, 18-15–18-16

**Jury (continued)**

- possible verdicts in designated cases 18-16–18-17
- preliminary instructions 18-6
- procedures in delinquency cases 11-5
- requests for instructions 18-10
- selecting and impaneling of 18-6
- summoning and impaneling, in designated proceedings 18-1
- unanimity of verdict in designated cases 18-13
- use of Standard Criminal Jury Instructions in designated cases 18-11
- verdict by less than 12 jurors in designated cases 18-5
- verdicts in designated cases 18-15–18-17
- verdicts in joint trials 18-15
- viewing scene of material event 18-9–18-10
- voir dire 18-6

**Jury instructions**

- copies of 11-7
- in delinquency proceedings 11-6–11-7
- objections to instructions 11-7
- requests for instructions in delinquency proceedings 11-6–11-7
- use of criminal instructions in delinquency cases 11-6

**Jury trial**

- demand for in delinquency proceedings 11-3
- right to in delinquency proceedings 11-3

**Jury, trial by**

- advice of right at preliminary hearings 7-12
- demand for in delinquency cases 9-1–9-2
- judge's duty to control proceedings 18-8
- procedures in designated cases 18-8–18-10
- right to, in designated proceedings 18-1–18-2
- waiver of right to in designated proceedings 18-2

**Juvenile**

- defined 2-2

**Juvenile boot camps**

- establishment of 1-4, 1-6
- placement in 12-11–12-12

**Juvenile Code**

- construction of 2-2, 12-2

**Juvenile Crime Victims Rights Act 7-17–7-19**

- applicability 7-17–7-18
- detention of juvenile based on threats against victim 16-13
- in trials of designated cases 18-21–18-22
- limitations on testimony identifying victim 11-9, 18-21
- notice of dismissal, discharge, transfer, or name change 15-10
- notice of right to make impact statement 11-10
- notice to victim following juvenile's escape 15-10
- notification of right to make impact statement 18-22
- notification of victim 7-19
- petition requirements 7-18
- responsibilities of court 7-17

**Juvenile Crime Victims Rights Act (continued)**

- right to consult with prosecuting attorney regarding plea 10-7
- right to make statement at commitment review hearing 15-9, 15-10
- rights at trials, in general 11-9–11-10
- victim defined 7-17–7-18
- victim's right to attend dispositional hearing 12-3
- victim's right to be present at trial 11-9
- victim's right to be present at trial of designated case 18-21
- victim's right to copy of adjudicative order 11-9–11-10
- victim's right to copy of judgment of conviction 18-21
- victim's right to make impact statement 12-7–12-8
- victim's right to speedy trial 11-11, 18-4
- waiting area for victims 11-9, 18-21

**Juvenile Diversion Act 6-2–6-6**

- age requirements 6-2
- amendments of 1-5
- and informal jurisdiction of Family Division 2-2
- confidentiality and destruction of diversion records 6-6
- diversion conference 6-5
- factors to decide whether to divert juvenile 6-4
- filing of petition when agreement not reached 6-5
- notification of victim 6-4
- offenses precluding diversion 6-3–6-4
- procedure 6-2–6-3
- purpose of 6-2
- required records 6-6
- requirements for diversion agreement 6-5
- revocation of diversion agreement 6-6
- statements made during diversion conference 6-5

**Juvenile facility**

- defined 22-6

**Juvenile justice reform legislation (1996) 1-3–1-10**

- effective dates of statutory amendments 1-4
- impetus for 1-4

**Juvenile Sentencing Hearings 1-9**

- advice concerning revocation of probation 23-13–23-14
- amendment of criteria used during 23-2
- burden of proof at 23-10
- criteria to consider at 23-7–23-8
- differences between adult and juvenile systems 23-7
- exemption of information from reports 23-9
- findings and conclusions following 23-10
- jurisdiction to sentence for non-enumerated offenses 23-2
- limitations on juvenile probation 23-14
- not required in traditional waiver proceedings 23-2, 24-3
- notification of following conviction 23-1–23-2
- offenses requiring 23-3
- offenses requiring adult sentencing 23-2–23-3
- purpose of 23-6, 23-7
- reports at 23-8–23-9
- requirements to commit juveniles to state wardship 23-12–23-14
- rules of evidence at 23-9



## Juvenile Sentencing Hearings (continued)

- sending copy of record to Family Independence Agency following 23-14
- social reports, contents of 23-8–23-9
- standard of proof at 23-10
- statutory amendments affecting 23-8, 23-10
- waiver of 23-10

### Juveniles

- age as factor in sentencing 20-13–20-14
- age of 22-3, 22-4
- burden of proof at commitment review hearings 15-8
- closing proceedings during testimony of 9-6
- consent to use of psychiatric testimony at criminal trial 24-11
- court's ability to order examination or evaluation of 9-4
- discharge at age 21 15-9
- notification of victim following name change 15-10
- presence at dispositional hearing 12-3
- return home following placement in foster care 15-4
- service of motion to waive jurisdiction 24-4

## L

### Life Offenses 3-8, 3-10, 22-3

- statutory amendments of 22-4

### Lineups

- corporeal, use of in delinquency proceedings 9-11
- impermissible suggestiveness 9-11–9-12, 16-34
- in delinquency proceedings 9-11–9-13
- in designated proceedings 16-33–16-36
- independent basis for in-court identification 9-12–9-13

## M

### Mannequins

- use of to obtain testimony of child witness 9-8

### Media coverage of court proceedings 4-3

### Miranda rules

- applicability to juveniles 9-15

### Misdemeanants

- detention of 3-9, 3-13

### Mistakes

- correction of record following trial 18-20

### Mistrial

- judge's duty to declare 18-8, 18-15–18-16

### Motions for new trial

- following bench trial 18-19

## Motions for new trial (continued)

- harmless error test 18-19
- in designated cases 18-14–18-15, 18-17–18-19
- newly discovered evidence 18-18–18-19
- standard for granting 18-17
- time requirements 18-17
- use of juror affidavits to impeach verdict 18-19
- verdict against great weight of evidence 18-18

### Motions to waive jurisdiction 24-2

- notice requirements 24-4
- time requirements 24-3

### Motions, pretrial 9-4–9-5

- closure of suppression hearing 16-32
- for change of venue in delinquency cases 9-6
- for use of alternative procedures to obtain testimony of child witness 9-7
- form of motions 9-5
- motions for rehearing or reconsideration 9-5
- notice and service requirements 9-4
- to close delinquency proceedings to public 9-6
- to suppress evidence 9-4

### Motor Vehicle Code violations

- failure to appear 7-4
- jurisdiction of 2-11–2-12
- notice of to Secretary of State 12-28
- required procedures 2-11–2-12

### Murder

- unanimity of verdict 18-13–18-14

## N

### Native American juveniles

- emergency removal from parent or custodian 3-5, 7-17
- requirements to place outside of home 12-13–12-14
- transfer and notice requirements 2-4–2-5, 7-16

### Notice requirements

- advice of rights for probation violation hearing 14-3
- alibi defense 9-3, 16-28
- arraignments in automatic waiver cases 22-6
- before assessing costs against parent 22-5, 23-12
- designation hearings 16-17
- evidence of other crimes, wrongs, or acts 16-28
- exclusion of evidence for failure to provide adequate notice of defense 9-3–9-4, 16-29
- final review hearings in automatic waiver cases 23-18
- final review hearings in designated cases 21-5
- for motions 9-4
- for noncustodial parents 8-2
- in automatic waiver cases 8-19–8-22
- in delinquency proceedings 8-6–8-13

**Notice requirements (continued)**

in designated proceedings 8-13–8-18  
insanity defense 9-3, 16-29  
motions for rehearing 11-15  
motions to waive jurisdiction 24-2, 24-4  
notice to courts with prior continuing jurisdiction 7-5, 11-13, 12-28, 18-22  
notice to Secretary of State of juvenile disposition 12-28  
notice to state police of juvenile disposition 12-28  
notices of hearings 8-5  
notification of victim of right to make impact statement 11-10  
notification of victim's right to make impact statement 18-22  
of intent to use support person to obtain testimony of child witness 9-8  
persons entitled to notice in delinquency cases 8-1–8-2  
preliminary hearings 7-11  
prior to interception of tax refunds 23-13  
probation violations 14-1  
required commitment review hearings 15-6  
review hearings in automatic waiver cases 23-16  
review hearings when juvenile is placed in foster care 15-3  
right to appeal order waiving jurisdiction 24-10  
subsequent notice after failure to appear 8-4  
subsequent notices after first appearance 8-6  
to state police, after case concluded 4-8  
waiver of notice of hearing 8-5

**Notice to courts with prior continuing jurisdiction** 2-15–2-16  
effect of subsequent orders 2-16

**Notices of hearing** 8-5  
failure to appear in response to 8-5  
waiver of 8-5  
when used 8-1

**O**

**Offense**  
defined 2-2, 3-1, 12-8

**Officer**  
defined 3-3  
duty to contact court when juvenile in custody 3-4

**Orders**  
correction of 18-20  
final orders 25-1

**P**

**Parent**  
absence of at preliminary hearing 7-11  
assessing attorney fees 14-4, 22-5, 23-13, 23-19  
court's ability to order examination or evaluation of 9-4

**Parent (continued)**

notification of before arraignment in automatic waiver cases 22-6  
participation in treatment as part of disposition 12-11  
presence at arraignment in designated case 16-10  
presence of at arraignments in automatic waiver cases 22-6  
reimbursement of costs of care in automatic waiver cases 23-12  
required attendance at dispositional hearings 12-3–12-4  
responsibility for financial penalties of child 20-35  
restitution order directed to 12-19  
service of motion to waive jurisdiction 24-4  
to refrain from harmful conduct, as part of disposition order 12-10

**Party**  
defined 8-2, 11-8

**Peremptory challenges**  
in delinquency cases 11-5, 11-6  
in designated proceedings 18-7–18-8

**Petitions** 7-1–7-5  
amendment of 7-3, 16-22  
amendment of, in designated proceedings 16-15–16-16  
and definition of court records 4-2  
authorization for filing 7-2, 7-12  
authorization for filing at arraignment in designated case 16-12  
cases involving members of same family 1-5, 7-4–7-5  
contents of 7-2–7-3  
defined 7-1  
designation of case 16-18  
dismissal of at disposition 12-8  
dismissal of following not guilty verdict in designated cases 18-16  
dismissal of following preliminary examination 16-22  
dismissal of following trial in delinquency case 11-1  
in status offense cases 7-2  
notice requirements 7-3–7-4  
reading of at arraignment in designated case 16-10  
reading of at delinquency trial 11-8  
reading of at preliminary hearings 7-11  
service of before designation hearings 16-17  
supplemental petitions for probation violations 14-1, 14-3  
use of citation or appearance ticket 7-1  
verification 7-1

**Photographing of juveniles in custody** 3-15, 4-6, 7-12, 9-10  
destruction of records 3-15

**Pleas**  
acceptance by referees in delinquency cases 10-1  
accurate plea, in delinquency cases 10-5  
appearance of prosecuting attorney 10-3  
available pleas in delinquency cases 10-4  
consent of judge in delinquency cases 10-4  
during waiver proceedings 24-7

## **Pleas (continued)**

factual basis for no-contest pleas in delinquency cases 10-6  
factual basis of plea of admission in delinquency cases 10-5

factual basis of plea of no contest in delinquency cases 10-5  
following transfer of case from district court 10-8  
juvenile's right to have judge take plea in delinquency cases 10-1  
no-contest pleas and intoxication defense 10-6  
no-contest pleas and specific-intent crimes 10-6  
no-contest pleas and treatment of juvenile 10-6  
no-contest pleas, in delinquency cases 10-6  
no-contest pleas, reasons for accepting 10-6  
parental support for in delinquency cases 10-5  
plea agreements to lesser offenses 10-7  
plea agreements, in delinquency cases 10-5, 10-7  
procedural requirements in delinquency cases 10-4–10-7  
qualified pleas, in delinquency cases 10-7  
right to counsel in delinquency cases 10-2–10-3  
understanding plea, in delinquency cases 10-4–10-5  
victim's right to consult with prosecuting attorney 10-7  
voluntary plea, in delinquency cases 10-5  
withdrawal of, in delinquency cases 10-7

### **Pleas, in designated proceedings**

accurate plea 17-4  
admissibility of statements made during negotiation 17-6  
advice of rights 17-3  
advice of sentence length 17-10  
and sentencing guidelines 20-10  
appeals of 17-15, 20-36  
available pleas 17-2  
breaches of plea agreements 17-6  
case law requirements 17-10–17-12  
challenging plea following sentencing 17-8  
claim of innocence as prerequisite formotion to withdraw 17-15  
conditional pleas 17-9  
constitutional requirements 17-2  
court rule requirements for guilty and no contest pleas 17-2–17-4  
court rules governing 17-1–17-2  
guilty but mentally ill 17-9  
guilty pleas to open murder 17-10  
judges who may accept 16-19, 17-1, 18-2  
not guilty by reason of insanity 17-9–17-10  
plea agreements 17-4  
plea agreements to lesser charges 17-5–17-6  
preservation of issues for appeal 17-14–17-15, 17-16–17-17  
procedure following withdrawal of 17-15  
promises of leniency 17-11  
reasons for accepting no contest plea 17-4  
rejection of plea agreement 17-8  
reliance on preliminary examination transcript 17-5  
requirements for no contest pleas 17-4–17-5  
requiring consent of court and prosecuting attorney 17-2

## **Pleas, in designated proceedings (continued)**

sentence agreements or recommendations 17-7  
sentence bargaining 17-7–17-8  
taking plea under advisement 17-8  
time requirements for motions to withdraw plea 17-14  
understanding plea 17-3  
use of plea forms 17-10  
voluntary plea 17-4  
withdrawal of after sentencing 17-14–17-15  
withdrawal of before sentencing 17-12–17-13

### **Preliminary examinations**

bindover decision in automatic waiver cases 22-10–22-11  
following waiver of jurisdiction 24-11  
required procedures in automatic waiver cases 22-9–22-11  
right to 22-9  
rules of evidence at 22-10  
scheduling of 22-6  
suppression of evidence at 22-10  
time requirements 22-9  
time requirements for following special adjournment 22-4  
transfer of case following 22-10  
waiver of in automatic waiver cases 22-9

### **Preliminary examinations, in designated proceedings**

adjournment of 16-21  
closure of 16-23–16-24  
combined with designation hearings 16-18  
defined 16-19  
designation hearings following probable cause finding 16-22  
dismissal following 16-23  
finding of probable cause following 16-22–16-23  
judges who may preside at 16-19  
lesser-included offenses 16-22  
motions to dismiss or remand following 16-30–16-31  
motions to quash petition 16-19–16-20  
probable cause that greater offense was committed 16-22  
required procedures 16-20  
review of bindover decision 16-20  
right to 16-20  
rules of evidence at 16-21–16-22  
scheduling of 16-14  
scheduling of following designation hearing 16-18  
time requirements 16-20–16-21  
transcripts of 16-23  
waiver of 16-20

### **Preliminary hearings 7-7–7-19**

adjournment of 3-7, 7-10  
advice of rights at 7-12  
amendment of petition to designate case 7-11, 16-15  
amendment of petition to request court to designate case 16-16  
authorization of filing of petition 7-12  
bail 7-15  
conducted by referee 7-7

## **Preliminary hearings (continued)**

decision to continue hearing 7-11  
functional equivalent of arraignment 7-7  
Preliminary hearings (continued)

held at place of detention 7-7  
juvenile's ability to present evidence 7-15  
juvenile's opportunity to plead to allegations 7-12  
presentation of evidence to establish probable cause 7-15  
probable cause determination 7-15  
records of proceedings 7-19  
required findings 7-16  
required procedures 7-11–7-12  
requirements to detain juvenile 7-13–7-14  
special adjournments 3-7–3-8, 22-3–22-4  
special adjournments, age and offense requirements 3-8  
time requirements 3-7, 7-10  
time requirements when juvenile in custody 3-4  
use of hearsay evidence to establish probable cause 7-15  
use of probable cause finding in waiver proceedings 24-6  
use of subpoenas 7-15  
waiver of probable cause determination 7-15  
when required 7-7

## **Preliminary inquiries 6-1–6-2, 7-5–7-6**

authority of Family Division to conduct 6-1  
conducted by referees 7-6  
court's options following 7-6  
defined 7-5  
diversion 6-1  
records of 7-6  
use of complaints at 7-5

## **Presentence information reports**

challenging accuracy of 20-10  
challenging accuracy of on appeal 20-44  
contents of 20-3–20-4  
disclosure of before sentencing 20-11  
disclosure of following sentencing 20-36  
exemption of information from 20-11, 23-9  
prior convictions and adjudications included in 20-16  
resolving challenges to 20-14–20-15  
sentence recommendation in 20-6  
statement of applicable consecutive sentencing provision 20-6  
uncharged criminal conduct included in 20-15  
use of at Juvenile Sentencing Hearings 23-9  
use of in automatic waiver cases 23-8  
victim's impact statement in 20-5–20-6  
when required 20-4

## **Pretrial conferences 9-1**

## **Pretrial hearings**

scheduling of in designated cases 16-18

## **Pretrial release**

factors to consider at arraignments in designated cases 16-13–16-14  
factors to determine conditions of release at preliminary hearings 7-14  
required findings 7-16

## **Prisons**

youth correctional facilities 19-2, 19-9, 20-20, 21-3, 21-4

## **Probable cause hearing. See Preliminary examinations, in designated proceedings**

## **Probation**

advice concerning revocation 23-13–23-14, 23-21  
appeals following probation violations in automatic waiver cases 25-3  
appeals of orders revoking, in delinquency cases 25-2  
consecutive sentencing following revocation 21-7  
credit for time served 21-8, 23-18, 23-19  
in delinquency cases 12-9  
limitations on in automatic waiver cases 23-14  
mandatory revocation in automatic waiver cases 23-14, 23-20  
mandatory revocation in designated cases 21-6  
non-mandatory revocation in automatic waiver cases 23-21  
ordering adult probation following designated proceedings 19-5  
post-sentencing orders regarding costs 20-26  
procedures at violation hearings in designated cases 21-8  
restitution as condition of 23-10  
restitution and community service or employment as conditions 12-21  
restitution as condition of 20-33  
revocation in designated cases 1-7  
revocation of for failure to pay restitution 12-21, 20-33  
sentencing following violations in automatic waiver cases 23-20–23-21  
service limitations in designated cases 1-7  
supervision 20-21  
supervision fees 20-24  
supervision in designated cases 19-5, 19-8  
time limit on 23-14  
violation hearings, procedures in automatic waiver cases 23-20  
violations in automatic waiver cases 23-20–23-22  
violations not requiring revocation in designated cases 21-7–21-8

## **Probation violations**

admission of violation at preliminary appearance 14-3  
advice of rights at preliminary appearance 14-3  
apprehension of juvenile 14-2  
detention 14-2–14-3  
filing of supplemental petition 14-1  
hearing procedures 14-6  
interference with apprehension of juvenile 14-2  
judge may preside 14-5  
juveniles on conditional release from public institution 14-6  
no right to jury trial 14-5

## **Probation violations (continued)**

- preliminary appearance 14-3
- reports 14-6
- revocation 14-6
- right to counsel 14-4–14-5
- rules of evidence 14-6
- standard of proof 14-6
- supplemental disposition 14-6
- time requirements for hearing 14-3

### **Prosecuting attorney**

- appeals in traditional waiver cases 25-3
- appearance of 7-9, 10-3, 11-10
- burden of proof at designation hearings 16-17
- burden of proof at review hearings in automatic waiver hearings 23-17
- burden of proof at second phase of waiver hearings 24-7
- charging discretion in automatic waiver cases 22-1, 22-3
- consent to plea to lesser offense 10-7, 17-5
- definition of 7-9, 10-3, 11-10
- effort to notify parent of arraignment in automatic waiver cases 22-6
- election of traditional or automatic waiver 24-2
- filing of motions for traditional waiver 24-2
- filing of petition when criminal offense alleged 7-9
- initiating designated proceedings 16-4
- right to appeal 25-5
- statement of applicable consecutive sentencing provision in presentence information report 20-6

### **Prosecutor-designated cases 1-6**

- advice of rights at arraignments 16-10–16-11
- amendment of petition in 16-15–16-16
- defined 2-9, 16-4
- sentencing in 19-5

### **Psychiatrist**

- appointment of to question child witness 9-10, 11-12
- testimony of at criminal trial following waiver of jurisdiction 24-11

### **Psychologist**

- appointment of to question child witness 9-10, 11-12
- testimony of at criminal trial following waiver of jurisdiction 24-11

## **R**

### **Record**

- access to record of closed proceedings 4-4
- correction of following trial 18-20
- of proceedings in Family Division 4-3
- transcription of 4-3

### **Records, of court**

- access to confidential files by persons with legitimate interest 4-2
- access to diversion records by persons with legitimate interest 6-6
- confidential files, defined 4-1, 4-2
- confidentiality and destruction of diversion records 4-5, 6-6
- confidentiality of sex offenders registration 4-11
- confidentiality of venereal disease and AIDS test results 4-15–4-16
- defined 4-1
- diversion records 4-4–4-6, 6-6
- duties of court clerk 4-2
- exempt from Freedom of Information Act 4-3
- expungement 5-1
- notice to state police of juveniles fingerprinted for reportable juvenile offenses 4-8
- return of fingerprint cards 4-8–4-9

### **Referees**

- acceptance of pleas 10-1
- advice of right to seek review of findings and conclusions 12-3, 13-2
- conduct of arraignments in designated cases 16-9
- conduct of combined designation hearing and preliminary examination 16-18
- conduct of designation hearings 16-16
- conduct of hearing to amend petition in designated case 16-15
- conduct of nonjury trials through dispositional phase 11-4
- conduct of preliminary hearings 7-7
- conducting preliminary inquiries 7-6
- findings by at conclusion of delinquency trial 11-12
- hearings referees may conduct 13-1
- may preside at dispositional hearings 12-3
- may preside at dispositional review hearings 15-2
- may preside at probation violation hearings 14-5
- required findings and recommendations by 13-1–13-2
- required qualifications 9-2, 10-1–10-2, 11-4, 12-3, 13-1, 14-5, 15-2, 16-9, 16-16
- required review of recommended findings and conclusions 13-2
- trial conducted by 9-2

### **Rehabilitation**

- commitment review hearings initiated by institution 15-9
- determination at required commitment review hearings 15-7–15-8
- factors to consider in automatic waiver cases 23-17–23-18

### **Rehearing, motions for 9-5**

- findings by court 11-15
- harmless error rule 11-14
- hearing requirements 11-15
- in delinquency cases 11-14–11-15
- notice requirements 11-15
- remedies 11-15
- standards for granting 11-14
- stay of orders and proceedings pending ruling on 11-15

## Rehearing, motions for (continued)

time requirements 11-15

### Reimbursement of costs of care

amount of 12-22, 23-12  
attorney fees 23-13  
collection of 12-23, 23-12–23-13  
delinquent accounts 12-24, 23-13  
disbursement of 12-23, 23-12–23-13  
discretionary when juvenile placed on probation in home 12-25  
duration of order 12-22, 23-12  
in automatic waiver cases 23-12–23-13  
in delinquency cases 12-22–12-26  
interception of tax refunds 12-24, 23-13  
required when juvenile placed outside of home 12-22  
SCAO guidelines and model schedule 12-22, 23-12  
use of bail money to pay 12-25  
use of wage assignments to pay 12-25

### Reportable Juvenile Offenses

adjudications that may be set aside 5-3  
fingerprinting for 7-12, 9-10, 11-13, 12-30  
fingerprinting for, following designated cases 18-22  
notice to state police after case concluded 4-8

### Reports

access to by counsel in waiver hearings 24-8  
annual reports 15-4, 15-9  
at commitment review hearings 15-8  
at dispositional hearings 12-7  
at final review hearings in designated cases 21-5  
at Juvenile Sentencing Hearings 23-8–23-9  
commitment reports in automatic waiver cases 23-17  
commitment reports, contents of 23-17  
for annual review in designated cases 21-2  
for progress reviews of juveniles committed to public institutions 15-4  
for review hearings when juvenile in foster care 15-3  
progress reports for juveniles committed to private institutions 15-4  
psychiatric reports at sentencing 20-4  
social reports 23-8–23-9, 23-14  
social reports, exemption of information from 23-9

### Resentencing, motions for

time requirements 20-44

### Restitution

amendments of statutes affecting juveniles 1-5  
amount required 12-14, 20-28  
and community service or employment as conditions of probation 12-21  
as condition of probation or parole 20-32–20-34  
commitment to Department of Corrections for failure to comply with 23-14  
enforcement of orders 12-19, 20-32

## Restitution (continued)

hearing requirements 12-18, 20-31  
in automatic waiver cases 23-10  
in delinquency cases 12-14–12-22  
in designated proceedings 20-27–20-34  
liability of conspirators 12-18, 20-31  
modification of orders after dispositional hearings 12-19  
modification of orders after sentencing 20-31  
order directed to parent 12-19  
payment to persons other than victim 12-17, 20-30  
persons entitled to 12-14, 20-27  
required reports 12-18, 20-30  
revocation of probation for failure to pay 12-21  
services in lieu of money 12-17, 20-30  
set off against amount later recovered 12-20  
set off against amounts later recovered 20-32  
time requirements 12-15, 20-28  
use of bail money to pay 20-32  
when offense results in physical or psychological injury 12-16, 20-29  
when offense results in property destruction 12-16, 20-28–20-29

### Review hearings

at age 19 in automatic waiver cases 23-16, 23-16–23-18  
burden of proof at in automatic waiver cases 23-17  
credit for time served on probation 23-18, 23-19  
discharge from state wardship 23-22  
factors to consider at final review hearings in automatic waiver cases 23-19  
factors to consider in automatic waiver cases 23-17–23-18  
final review hearings in automatic waiver cases 23-18–23-19  
imposition of adult sentence at final review hearing 1-9  
initiated by institution or agency 23-20  
notice requirements 23-16  
notice requirements for final review hearings 23-18  
reports in automatic waiver cases 23-17  
standard of proof at in automatic waiver cases 23-17  
time requirements 23-16  
time requirements for final review hearings in automatic waiver cases 23-18

### Review hearings, following juvenile dispositions 15-1–15-2

at age 19 15-5  
burden of proof at commitment review hearings 15-8  
commitment review hearings 15-5–15-9  
commitment review hearings initiated by institution 15-9  
factors to consider at 15-7–15-8  
for juveniles placed in foster care 15-2–15-4  
hearing procedures, when juvenile is in foster care 15-3  
hearing required to order more restrictive placement 15-2, 15-5, 15-9  
judges who may preside 15-2  
notice requirements for required commitment review hearings 15-6  
notice requirements, when juvenile in foster care 15-3  
offenses allowing extension of jurisdiction 15-5–15-6

## Review hearings, following juvenile dispositions (continued)

- privileges 15-8
- purposes of commitment review hearings 15-7
- reports at commitment review hearings 15-8
- required evidence when juvenile in foster care 15-3
- required findings, when juvenile in foster care 15-4
- required procedures at commitment review hearings 15-8
- right to counsel 15-7
- time requirements for commitment review hearings 15-6
- time requirements for, when juvenile in foster care 15-2
- victim statement at commitment review hearings 15-9
- waiver of hearing, when juvenile in foster care 15-4

## Review of referee's recommended findings and conclusions

- form of relief 13-3
- form of request 13-2–13-3
- standard of review 13-3
- stay of proceedings and grant of bail 13-3
- when required 13-2

## Reviews

- annual reviews in automatic waiver cases 23-15
- hearing requirements 23-15
- of juveniles committed to state wardship 23-15
- reports in automatic waiver cases 23-15
- time requirements in automatic waiver cases 23-15

## Reviews, following juvenile dispositions

- annual reports 15-9
- annual reviews 15-4
- for juveniles committed to private institutions 15-4
- for juveniles committed to public institutions 15-4
- hearing requirements 15-5

## Runaways, Incurrigibles, and Truants. See Status offenses

# S

## Second phase of waiver hearings

- access to records and reports 24-8
- burden of proof 24-7
- criteria to consider 24-8–24-9
- due process requirements 24-9
- findings and conclusions 24-10
- findings and conclusions when waiver is ordered 24-9
- pleas 24-7
- procedures when waiver is denied 24-10
- procedures when waiver is ordered 24-9
- purpose of 24-7
- rules of evidence 24-8
- standard of proof 24-7
- time requirements 24-7
- waiver of 24-7, 24-9

## Self-incrimination, privilege against

- advice at preliminary hearings 7-12
- and consent to use of psychiatric testimony 24-12

## Sentencing

- adult probation 19-5
- advice of right to appeal following 20-36–20-37
- alternative sentences for controlled substances offenses 23-4–23-6, 24-12–24-14
- articulation of reasons for sentence 20-13–20-14
- as adult, in designated cases 19-1
- commitment to Department of Corrections 19-2, 19-9, 20-20, 20-21, 21-3, 21-4
- commitment to state wardship following waiver of Juvenile Sentencing Hearing 23-10
- consecutive sentencing 20-6–20-7
- consideration of prior convictions and adjudications 20-16
- consideration of uncharged criminal conduct 20-15
- controlled substances offenses 19-6–19-8
- correction or modification of sentence 20-42–20-44
- costs 20-23–20-26
- court rules governing, in designated proceedings 20-2
- court's duty to individualize sentence 20-17
- credit for time served prior to 19-3, 20-19
- criteria to decide whether to sentence as adult at Juvenile Sentencing Hearings 23-7–23-8
- criteria to decide whether to sentence juvenile as adult in designated cases 1-8
- defendant's right of allocution 20-12
- deferred sentencing prohibited in automatic waiver cases 23-14
- delayed imposition of sentence, in designated cases 19-1
- differences between adult and juvenile systems 23-7
- establishing minimum and maximum sentence 20-17–20-18
- examples of prison sentences imposed on juveniles 20-21–20-23
- factors to determine whether to impose sentence following designated proceedings 19-2–19-3
- finer 20-34
- following conviction in designated case 19-3
- following final review hearings in automatic waiver cases 23-18
- following probation violations in automatic waiver cases 23-20–23-21
- following review hearings in automatic waiver cases 23-16
- in designated cases, defined 19-1
- in designated proceedings, in general 1-7
- judges who must preside in designated cases 20-3
- juvenile's age as factor in sentence 20-13–20-14
- mandatory sentences in automatic waiver cases 1-9
- offenses requiring adult sentencing in automatic waiver cases 23-2–23-3
- offenses requiring Juvenile Sentencing Hearing 23-3
- offenses requiring mandatory minimum sentences 20-18
- parental responsibility for financial penalties of child 20-35
- placement in boot camp prohibited in automatic waiver cases 23-14

## Sentencing (continued)

- pleas containing sentence agreement or recommendation 17-7
- prison sentences in designated cases 2-11
- proportionality and departures from sentencing guidelines 20-10
- proportionality standard in automatic waiver cases 25-5
- proportionality, principle of 20-8
- recommendation in presentence information report 20-6
- required procedures 20-11–20-12
- requirements to incarcerate juvenile in county jail 1-7
- right to counsel at 20-3
- rules of evidence 20-12
- time requirements 20-11
- to county jail 20-20
- to county jail following designated proceedings 19-6
- to prison following designated proceedings 19-3–19-5
- use of psychiatric reports at 20-4
- venue in designated cases 2-11, 16-3
- victim's impact statement 20-13

### Sentencing Guidelines, Michigan

- and duty to articulate reasons for sentence 20-14
- and principle of proportionality 20-8–20-9
- consideration of at Juvenile Sentencing Hearings 23-7
- consideration of at second phase of waiver hearings 24-8
- consideration of during designation hearings 16-17
- consideration of following conviction in designated cases 19-2
- covered offenses 20-8–20-9
- departure from recommendation 20-7, 20-10
- required use of 20-7
- scoring the Sentencing Information Report 20-9–20-10
- Sentencing Information Reports 20-9

### Sentencing Information Reports

- required use of 20-9
- scoring of 20-9–20-10

### Separation of Powers doctrine

- in automatic waiver cases 22-3

### Setting aside convictions following designated proceedings

- 5-7–5-11
- access to records 5-10
- application procedures 5-7
- effect 5-9–5-10
- exceptions 5-7
- exemption from Freedom of Information Act 5-11
- hearing requirements 5-8–5-9
- notification of victim 5-8–5-9

### Setting aside juvenile adjudications 5-2–5-6

- access to records 5-5–5-6
- application procedures 5-2, 5-3–5-4
- effects 5-5
- exemption from Freedom of Information Act 5-6
- hearing requirements 5-4–5-5

## Setting aside juvenile adjudications (continued)

- notification of victim 5-4
- offenses that may not be set aside 5-2–5-3
- setting aside defined 5-2

### Sex Offenders Registration Act 23-11

- applicability to juveniles 4-9
- confidentiality of registration forms 4-11
- conviction defined 4-9
- listed offenses 4-10
- recordkeeping requirements 4-9–4-11
- registration following designated proceedings 18-23
- registration following juvenile disposition 12-30
- registration requirements 4-11

### Showups

- in delinquency proceedings 9-11
- photographic 9-11

### Speaker telephone

- use of at hearings 9-6

### Special adjournment 7-10–7-11, 22-3–22-4

- age requirements 7-10
- and time requirements for preliminary examinations 22-6
- effect on time requirements for preliminary examination 7-11
- offense requirements 7-10
- procedure upon resumption of preliminary hearing 7-10

### Specified Juvenile Violations 1-6, 2-6–2-7, 16-4–16-5, 22-1–22-2

- amendment of petition alleging 16-15–16-16
- and bindover decision in automatic waiver cases 22-10, 22-11
- commitment to Department of Corrections for 20-20
- dangerous weapon defined 2-7, 16-5, 22-2
- mandatory minimum sentences for 20-18
- maximum statutory penalties for 19-3–19-5
- not requiring adult sentencing in automatic waiver cases 23-3
- prison sentences in designated cases 2-11
- prosecutor's election to initiate designated or automatic waiver proceedings 1-8
- requiring adult sentencing in automatic waiver cases 23-2–23-3

### Speedy trial requirements

- constitutional right to speedy trial 18-3–18-4
- in automatic waiver cases 22-11
- in delinquency cases 9-5, 11-10
- in designated cases 16-31
- in designated proceedings 18-3–18-5
- remedy for violation in delinquency cases 11-10, 11-11
- victim's right to speedy trial 11-11
- when motion for waiver denied 9-5, 11-11

### Standard of proof

- at delinquency trials 11-11
- at Juvenile Sentencing Hearings 23-10
- at probation violation hearings 14-6
- at review hearings in automatic waiver cases 23-17



## Standard of proof (continued)

- in designated cases 18-10
- second phase of waiver hearings 24-7
- to decide whether to impose sentence following designated proceedings 19-3

## Standards of review

- in automatic waiver cases 25-4–25-5
- in delinquency cases 25-3
- in designated cases 25-4
- in traditional waiver cases 25-4

## State wards

- commitment following Juvenile Sentencing Hearing 23-6
- commitment following waiver of Juvenile Sentencing Hearing 23-10
- defined 23-12
- discharge at age 21 15-9
- DNA profiling of 15-11, 23-11

## State wardship

- commitment reports, contents of 23-17
- commitment review hearings at age 19 23-16
- defined 23-12
- discharge from 23-22
- final review hearings 23-18–23-19
- limitations on probation 23-14
- probation violations 23-20–23-22
- progress reviews in automatic waiver cases 23-15
- requirements to commit juveniles to 23-12–23-14
- retention of jurisdiction following 23-15
- sending copy of record to Family Independence Agency 23-14
- time limit on probation inapplicable 23-14

## Status offenses

- defined 2-3
- detention 3-13
- detention of status offenders 3-6, 3-9
- dispositions 12-13
- emergency removal of Native American juvenile from parent or custodian 7-17
- transfer and notice requirements in cases involving Native American juveniles 2-4–2-5, 7-16
- venue 2-3

## Subpoenas 8-5

## Summons

- content of 8-3
- failure to appear after notice 8-4
- issuance and service of 8-2–8-3
- issuance following allegation of probation violation 14-2
- service of 8-1, 8-3
- time requirements for service of 8-4
- when required 8-1, 8-6
- when used 8-2

## Supplemental dispositions

- hearing requirements 15-2

## Support person

- use of to obtain testimony of child witness 9-8

# T

## Time requirements

- appeals in delinquency cases 25-2
- appeals of pleas in designated cases 17-15
- arraignments in automatic waiver cases 22-6
- arraignments in designated cases 16-9, 16-10
- demand for jury trial 9-1
- designation hearings 16-14, 16-16
- dispositional hearings 12-6
- final review hearings in automatic waiver cases 23-18
- final review hearings in designated cases 21-3
- first phase of waiver hearings 24-6
- for filing notice of defense 9-3
- for hearing following conviction in designated case 19-3
- for making restitution 12-15, 20-28
- for motions 9-4
- for progress reviews, when juvenile is committed to public institution 15-4
- for ruling on request for appellate counsel 20-37
- in automatic waiver cases 8-19–8-22
- in delinquency proceedings 8-6–8-13
- in designated proceedings 8-13–8-18
- mandatory review in designated cases 21-2
- motions for new trial 18-17
- motions for rehearing 11-15
- motions for resentencing 20-44
- motions to waive jurisdiction 24-3
- motions to withdraw plea 17-14
- preliminary examinations 16-20–16-21, 22-9
- preliminary examinations following special adjournments 22-4
- preliminary examinations in automatic waiver cases 22-6
- preliminary examinations in designated cases 16-14
- preparation of transcripts, in designated cases 20-40
- probation violation hearings 14-3
- progress reviews for juveniles committed to private institutions 15-4
- progress reviews in automatic waiver cases 23-15
- required commitment review hearing 15-6
- review hearings in automatic waiver cases 23-16
- review hearings when juvenile is placed in foster care 15-2
- review of referee's recommended findings and conclusions 13-2–13-3
- ruling on request for review of referee's recommended findings and conclusions 13-3
- second phase of waiver hearings 24-7
- sentencing hearings 20-11
- trial by judge 9-1–9-2
- trial, when motion for waiver is denied 24-10

**Totality-of-circumstances test**

- and suggestiveness of identification procedure 9-12
- and voluntariness of juvenile's confession 9-13

**Traditional waiver proceedings 1-3**

- access to records and reports 24-8
- age requirements 1-8, 2-8
- appeals 25-3
- circumstances where second phase not required 1-8, 24-7
- criteria to consider at second phase 1-8, 24-8–24-9
- double jeopardy 24-2
- due process requirements 24-2, 24-9
- establishment of probable cause at preliminary hearing 24-6
- felony defined 24-2
- first phase, purpose of 24-5
- first phase, rules of evidence 24-6
- first phase, time requirements 24-6
- first phase, waiver of 24-5
- following special adjournment 22-4
- following transfer of automatic waiver case from district court 10-8, 22-11
- judge must preside 24-3
- jurisdiction of 2-5, 2-8–2-9
- motions for 24-2
- notice of right to appeal following waiver of jurisdiction 24-10
- notice requirements 24-4
- pleas in Criminal Division following waiver 24-10
- procedures when waiver is denied 24-10
- procedures when waiver is ordered 24-9
- proceedings in Criminal Division following waiver of jurisdiction 24-11
- prosecutorial discretion 24-2
- second phase, burden of proof 24-7
- second phase, purpose of 24-7
- second phase, rules of evidence 24-8
- second phase, standard of proof 24-7
- second phase, time requirements 24-7
- speedy trial requirements following denial of motion to waive jurisdiction 11-11
- statutes and court rules governing 1-3
- time requirements for filing motion to waive jurisdiction 24-3
- time requirements for trial when waiver is denied 24-10
- transfer of case to Criminal Division following waiver 24-11
- two phases of 2-8–2-9
- use of psychiatric testimony at trial 24-11–24-12
- venue 9-6
- victim's right to be present 24-4
- waiver of first-phase hearing 2-9
- waiver of second-phase hearing 2-9
- when juvenile is over age 17 24-3

**Transcripts**

- correction of following trial 18-20
- indigent's right to 20-40, 20-41
- of preliminary examinations 16-23
- of voir dire 20-40–20-41
- order to prepare, in designated cases 20-40–20-41
- time requirements, in designated cases 20-40

**Transfer of case**

- because juvenile was under 17 at time of offense 2-13
- following preliminary examination in automatic waiver cases 2-8, 22-10
- for entry of juvenile disposition in designated case 16-3
- plea of admission following transfer of automatic waiver case from district court 10-8
- procedures following transfer 2-8
- to Criminal Division following waiver of jurisdiction 24-11
- to juvenile's county of residence 2-14, 10-8
- waiver hearing following transfer 2-13
- when juvenile over age 17 24-3

**Trials, in delinquency cases**

- "beyond a reasonable doubt" standard 11-11
- appearance of prosecuting attorney 11-10
- closing proceedings during victim's testimony 11-8–11-9
- order of proceedings 11-5
- persons entitled to be present 11-8
- purpose of 11-1
- records of proceedings 11-13
- scheduling of following denial of request to designate case 16-18
- time requirements when waiver denied 24-10

**Trials, in designated proceedings**

- "beyond a reasonable doubt" standard 18-10
- adjournments of 18-5
- challenges for cause of jurors 18-6–18-7
- closing arguments of parties 18-10
- closure of 16-32–16-33
- communications with jurors 18-9
- deadlocked jury, instructions to 18-12
- deliberations by jury 18-13–18-14
- findings and conclusions in bench trials 18-3
- instructions on lesser-included offenses 18-11–18-12
- judge's duty to control proceedings 18-8
- judges who may preside at 18-2
- jury instructions 18-10–18-13
- jury trial procedures 18-8–18-10
- motions for directed verdict 18-14–18-15
- motions for new trial 18-14–18-15
- number of jurors 18-5–18-6
- opening statements by parties 18-9
- peremptory challenges of jurors 18-7–18-8
- requests for jury instructions 18-10
- right to jury trial 18-1–18-2
- rules of evidence 18-10
- scheduling of following preliminary examination 16-22
- selecting and impaneling jury 18-6
- use of Standard Criminal Jury Instructions 18-11
- verdicts 18-15–18-17
- voir dire of jurors 18-6
- waiver of jury trial 18-2

## V

### **Venereal disease and AIDS**

- confidentiality of test results 4-15–4-16
- required testing in automatic waiver cases 4-13–4-14
- required testing in delinquency cases 4-14–4-15, 11-13
- testing following designated proceedings 18-23
- testing in automatic waiver cases 23-11

### **Venue**

- change of in delinquency cases 2-14–2-15
- change of in delinquency proceedings 9-6
- change of in designated proceedings 16-33
- in delinquency cases 2-5, 2-14–2-15
- in delinquency cases, costs of proceeding 2-14
- in designated proceedings 2-11, 2-14, 16-3
- in traditional waiver proceedings 2-14, 9-6
- transfer of case following conviction 2-11

### **Verdicts**

- in delinquency cases 11-5
- in delinquency jury trials 11-7–11-8
- in designated cases 18-15–18-17
- in joint trials 18-15
- motions for directed verdict after 18-14
- not guilty verdicts in delinquency cases 11-1
- possible verdicts in designated cases 18-16–18-17
- stipulation to less than 12 jurors in designated cases 18-5
- unanimity 11-7
- unanimity of in designated cases 18-13, 18-15

### **Victims**

- alternative procedures to obtain testimony of 9-6–9-10, 11-12
- as defined in the Juvenile Crime Victims Rights Act 7-17
- closing proceedings during testimony of 9-6, 11-8–11-9
- defined for purposes of restitution 12-14, 20-27
- detention of juvenile based on threats against victim 16-13
- detention of juvenile based upon credible threats of victim 7-14
- developmentally disabled, defined 9-7–9-8
- limitations on testimony identifying 11-9, 18-21
- notice of right to make impact statement 11-10
- notification of application to set aside adjudication 5-4
- notification of diversion 6-4
- notification of following dismissal, discharge, transfer, or name change 15-10
- notification of following juvenile's escape 15-10
- notification of Juvenile Sentencing Hearing 23-2
- notification of right to make impact statement 18-22
- offenses allowing for alternative procedures to obtain testimony 9-7
- rearrangement of courtroom to obtain testimony of child 9-8–9-9
- right to attend dispositional hearing 12-3
- right to be present at delinquency trial 11-8, 11-9
- right to be present at trial of designated case 18-21
- right to be present at waiver hearings 24-4

## Victims (continued)

- right to consult with prosecuting attorney regarding plea 10-7
- right to copy of adjudicative order 11-9–11-10
- right to copy of judgment of conviction 18-21
- right to make impact statement 12-7–12-8
- right to make impact statement at sentencing 20-5–20-6, 20-13
- right to speedy trial 11-11, 18-4
- rights at trials of designated cases 18-21–18-22
- statement at commitment review hearings 15-9, 15-10
- support person to obtain testimony of 9-8
- use of dolls or mannequins to obtain testimony of 9-8
- use of videotape depositions to obtain testimony of 9-9–9-10
- waiting area for 11-9, 18-21

### **Videotape depositions**

- use of to obtain testimony of child witness 9-9–9-10

### **Voir dire**

- in designated cases 18-6
- transcripts of 20-40–20-41

## W

### **Waiver**

- advice of rights at plea proceedings in delinquency cases 10-4
- of counsel at delinquency trial 11-3
- of first phase of waiver hearing 24-5
- of Juvenile Sentencing Hearing 23-10
- of notice of hearing 8-5
- of preliminary examination 16-20
- of preliminary examinations in automatic waiver cases 22-9
- of probable cause determination at preliminary hearings 7-15
- of review hearings, when juvenile in foster care 15-4
- of right to counsel 7-8, 10-3, 14-4
- of right to counsel at sentencing 20-3
- of right to counsel in automatic waiver cases 22-5
- of right to counsel, advice of dangers and disadvantages of self-representation 11-8
- of right to have 12-person jury, in designated cases 18-5
- of right to trial by judge 11-4
- of second phase of waiver hearings 24-7, 24-9

### **Waiver proceedings**

- comparison with designated proceedings 1-10–1-12

### **Wayward minors 2-3–2-4**

- requirements when Native American juvenile is charged 2-4–2-5

### **Witnesses**

- absence of at preliminary examination 16-21
- alternative procedures to obtain testimony of 9-6–9-10, 11-12
- appointment of impartial questioner 9-10, 11-12
- closing proceedings during testimony of 9-6, 11-8–11-9

## Witnesses (continued)

- court's authority to call 9-4, 11-12
- court's control over interrogation of at trial 9-7
- developmentally disabled, defined 9-7–9-8
- failure to identify accused in lineup 9-12
- independent basis for in-court identification 9-12–9-13
- offenses allowing for alternative procedures to obtain testimony 9-7
- rearrangement of courtroom to obtain testimony of 9-8–9-9
- right of confrontation and use of videotape depositions 9-9
- use of dolls or mannequins to obtain testimony of 9-8
- use of support person to obtain testimony of 9-8
- use of videotape depositions to obtain testimony of 9-9–9-10